



# Western-Pacific Region Airports Division



# AirporTopics

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## OCTOBER 2000

### Submission of Competition Plans

The Wendell H. Ford Aviation Investment and Reform Act for the 21<sup>st</sup> Century (AIR-21) requires large and medium hub airports to submit a competition plan when one or two air carriers control more than 50 percent of the passenger boardings. In addition, increases of PFC levels from \$3 to \$4 or \$4.50 will also require a competition plan at large and medium hub airports.

The purpose of the competition plan is to demonstrate that major airports are available on a reasonable basis to all carriers wishing to serve those airports and provide new access and expansion by incumbent carriers.

The statutory requirements will be applied to FY-2001 applications. Early submission of the competition plan will allow the affected airport to execute an Airport Improvement Program (AIP)

grant offer as soon as the FY-2001 AIP funds are available. The requirement for AIP is that the competition plan must be submitted. However, for PFC, whether an amendment or a new application, the plan must be approved. We estimate that review/approval will take approximately 60 days.

--Sam Iskander, Airports Program Specialist

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## Flight Standards Inspectors Access to Restricted Airfield

### Areas at Airports Certificated Under FAR Part 139, and

### Subject to FAR Part 107 Requirements

Flight Standards Inspectors will not risk going to jail for performing their jobs under an intensified FAA inspection program. The Flight Standards Service and Office of Civil Aviation Security are taking steps to educate airport operators and their tenants to recognize the inspector's role and their credentials, which permit them access to restricted aircraft parking areas.

The education program was initiated in March 2000, after an inspector was arrested at Washington Dulles International Airport for attempting to gain access to the aircraft parking area. Airport employees refused to recognize the inspector's credentials, in lieu of an airport-issued identification badge. The authority bestowed by the federal credentials exceeds that of the airport-issued badge.

The FAA has distributed a pamphlet to all 14 CFR Part 139 certificated airports to explain security requirements, the safety inspector's role, and the recognition of the federal credentials by all airport employees.

An Advisory Circular is also being sent to airport management and companies that provide airline security services to assist them in recognizing the validity of the federal credentials. Training courses and manuals are being updated to promote credentials recognition and explain why Flight Standards Inspectors must gain access to secured areas in the performance of their duties.

These actions have been taken to protect FAA inspectors from the possible risk of being arrested while performing their work, due to misunderstanding by the airport employees.



--Ellsworth Chan, Manager, Safety and Standardization Branch

## FAA Policy on Contract Clauses Under Disadvantage Business Enterprise (DBE), 49 CFR Part 26

Provided below, is the language you need to include in your boilerplate for the required contract clauses as they apply to Department of Transportation grant recipients. (These clauses are taken from the regulation and may vary from one recipient to another depending on the provisions of the DBE

program.)

1. The following clause must be included in each contract the owner signs with a contractor and each subcontract the prime contractor signs with a subcontractor:

*"The contractor or subcontractor shall not discriminate on the basis of race, color, national*

origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.”

2. The following prompt payment clause is required in the prime contract:

“The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than [specify number] days from the receipt of each

## Airport Financial Reports—The Deadline is Approaching

The end of the fiscal year for sponsors of commercial service airports renews the annual obligation to complete and submit Annual Financial Reports to the FAA. FAA Forms 5100-125 and 5100-126 are due within 120 days after the end of the fiscal year. If your fiscal year ends on June 30, 2000, your financial reports are due on or before October 28, 2000. (Since October 28<sup>th</sup> falls on a Saturday, the deadline extends to October 30<sup>th</sup>.)

For your filing convenience, FAA Forms 5100-125, “Operating and Financial Summary” and 5100-126, “Financial Government Payment Report”, may be found on the FAA Airports home page at [www.faa.gov/arp](http://www.faa.gov/arp). Under “browse by topic”, select the listing “airport financial reports”. A copy of the advisory circular entitled “Guide For Airport Financial Reports Filed by Airport Sponsors” may also be acquired on the same website. To obtain a copy, go to “Advisory Circulars” in the menu on the left side of the website and select 150/5100-19.

Sponsors operating more than one airport within their system **must** submit separate reports for each obligated commercial service airport.

**Each report must disclose only the revenue and expenditures which represent that particular airport. Airport financial information should NOT be reported as a percentage of the entire “airport system”.**

Sponsors who feel they cannot meet the reporting due date should request an extension of the filing deadline in writing.

As a reminder, please remit one copy of each report to your local Airports District Office (ADO) or Regional Office, in addition to one signed original to

payment the prime contractor receives from [Name Recipient]. The prime contractor agrees further to return retainage payments to each subcontractor within [specify number] days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the [Name Recipient]. This clause applies to both DBE and non-DBE subcontractors.”

--Sam Iskander, Airports Program Specialist

the following address:

FAA, Compliance Division, AAS-400  
Attn: Lyle B. Fjermedal  
800 Independence Avenue SW, Room 615  
Washington, DC 20591

It is important to ensure that AAS-400 receives the reports to prevent the airport from appearing on the “airport sponsor delinquency list”.

--Margie Drilling, Airport Planner

## On the FAA's Website

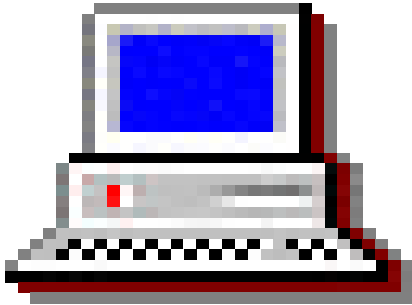
Current guidance on the Airport Improvement Program (AIP) and Passenger Facility Charge (PFC) Program is now available and can be accessed at the following web addresses:

- Airline Competition Plans: the Department of Transportation's report entitled “Airport Business Practices and Their Impact on Airline Competition;” <http://www.faa.gov/arp/530home.htm>. Airport sponsors and public agencies are encouraged to review this report during the development of their competition plan.
- Amendments to PFC regulations which allow public agencies to increase the PFC level to \$4 or \$4.50: <http://www.faa.gov/avr/arm/nprm/nprm.htm>
- The Airport Improvement Program Handbook (FAA Order 5100.38A), including Change 1; <http://www.faa.gov/arp/510home.htm>. The handbook contains policy and procedures to be used in the administration of the AIP grant program.

## AIRPORTOPICS

- AIP Program Guidance Letters issued in FY-2000: <http://www.faa.gov/arp/510home.htm>.
- Airports related forms (examples: SF-424, FAA-5100, FAA-5370-1) for use by all FAA users, as well as the public;  
<http://www.faa.gov/airports/inetform.htm>

*--Sam Iskander, Airports Program Specialist*



## Airport Layout Plan (ALP) Currency

We have found that many sponsors have not properly maintained their Airport Layout Plan (ALP) or have not provided the FAA with a current ALP. Your ALP should depict all existing and proposed facilities, as well as the current and future airport property boundary. The FAA will review the approved ALP every three years to determine if it can be revalidated, based on the conclusion that no facility changes have occurred. A new or updated ALP must be prepared to delineate all current and future facility and property line changes that result from a completed master plan or facility study. The revised ALP should be promptly submitted to the FAA for evaluation and approval processing.

Sponsors subject to federal grant assurance #29 are responsible for maintaining an accurate and current ALP. Compliance with grant assurance #29, entitled "Airport Layout Plan" states that:

- a. The sponsor will keep the ALP current to delineate:
  - (1) Existing and any future real property boundaries, including all offsite real property owned and controlled by the sponsor for airport purposes;
  - (2) The location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, taxilanes, aprons, terminal buildings, hangars, roadways, etc.); and
  - (3) The location of all existing and proposed nonaeronautical areas, including improvements thereon.

Each ALP revision shall be subject to FAA approval. The sponsor will not make or permit any change or alteration of the airport, or any of its facilities, that are not in conformance with the FAA approved ALP. Nonconforming alterations may adversely affect airport safety, utility or efficiency.

- b. If a change or alteration of the airport or facility is implemented that the FAA determines does not conform to the approved ALP and will adversely affect safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport property, the owner or operator of the implemented facility may be subject to removal. If requested by the FAA, the owner or operator must:

- (1) Eliminate such adverse effect in a manner acceptable to the FAA;
- (2) Bear all cost of relocation or replacement of such property to a site that will restore the level of safety, utility, efficiency and operating cost of the federal property, in a manner acceptable to the FAA; and
- (3) Reinvest the fair market value proceeds from restoration of airport property in an airport revenue account, as mutual agreement with the FAA.

Attentiveness to this federal obligation will help identify eligible Airport Improvement Program (AIP) projects, and assist us in updating entries in the National Plan of Integrated Airport Systems (NPIAS), as well as reviewing projects subject to FAA airspace evaluations.

If the airport received an AIP grant during Fiscal Year 2000, and your ALP has exceeded the three-year approval date, we recommend that the engineering service contract for the grant project include ALP update services. Please contact your Airports Division or District Office to coordinate the ALP revalidation or update schedule. We request your cooperation and prompt compliance with this federal obligation.

--Ellsworth Chan, Manager, Safety and Standards Branch

## Pavement Maintenance Limitations on Airport Improvement Program (AIP) Grant Eligibility

Section 123 of AIR-21 added section 47102(3)(h), which permits Airport Improvement Program (AIP) funds to be used for routine pavement maintenance work to preserve or extend the useful life of runway, taxiway and apron pavements at nonprimary airports.

AIP eligible pavement maintenance is defined as being limited to the cleaning, filling, and sealing of longitudinal and transverse pavement cracks on a periodic basis, as well as grading of pavement edges, cleaning of drainage facilities, patching pavements, seal coats, and airfield remarking.

Ineligible pavement maintenance work includes the cost of pavement sweeping to remove mud, dirt, sand, aggregate, debris, foreign objects, water, snow, ice, and other loose contamination.

Sponsor eligibility for AIP funding of routine pavement maintenance work is subject to:

- ◆ The sponsor must be unable to fund maintenance under the grant assurance using its own resources. This will include a FAA determination that the transferring of necessary funds to the airport from other sponsor accounts was either illegal at the time of the applicable grant agreements or is not sufficient for adequately maintaining the pavements.
- ◆ The airport shall agree to undertaking and keeping current, at least the minimum pavement maintenance program required by grant assurance #11, entitled "Pavement Preventive Maintenance." Any AIP pavement replacement or reconstruction project, approved after January 1, 1995, requires the sponsor to certify that an airport pavement maintenance-management program has been implemented, and will be used for the useful life of any pavement constructed, reconstructed or repaired with federal financial assistance. The sponsor must provide a report on pavement conditions and the management program, as requested by the FAA. The FAA will exercise oversight of this activity to ensure that an action plan is in place for forming a pavement maintenance partnership with the sponsor or state officials.
- ◆ When the sponsor of an AIP pavement maintenance project is a state aviation agency, pavement condition tracking must be a continuous element of the state's airport system planning for the participating airports.

*--Ellsworth Chan, Manager, Safety and Standards Branch*

## What to do With Dead Birds?

Airports are increasingly acknowledging that wildlife strikes are a serious problem. To properly address the situation, one must first identify the problem(s). The Federal Aviation Administration (FAA) is now able to assist airports in identifying the bird remains.

After you have removed the bird carcass off the runway or taxiway, what should you do with it? DO NOT just toss it in the trash bin. If it is not readily identifiable, and no one on staff is able to identify it, place whatever remains you may have into a resealable, plastic storage bag. The FAA staff wildlife biologist is willing and able to identify all

remains. You may send the resealable storage plastic bag with the bird remains (breast feathers, tail feathers or whole wings) to:

FAA Office of Airport Safety & Standards  
Attn: Ed Cleary, AAS-310  
800 Independence Ave., SW  
Washington, DC 20591



*--Elizabeth Louie, Airports  
Cert Inspector*

## Airport Improvement Program and General Aviation Entitlements

### What is the Airport Improvement Program (AIP)?

The AIP is a grant program that provides 90% federal funding of eligible general aviation airport projects.

### What is General Aviation Entitlement?

The Wendell H. Ford Aviation Investment and Reform Act for the 21<sup>st</sup> Century provides entitlement funds for airport improvements at general aviation airports listed in the published National Plan of Integrated Airport Systems. General Aviation Airports can receive up to \$150,000 per year, if Congress appropriates \$3.2 billion or more for each year's AIP grant program.

### When can I use the General Aviation Entitlement?

The entitlement is available in the fiscal year that it was appropriated by Congress or reserved for use within the following two consecutive years after the appropriation. You may choose to accumulate three years of entitlements to implement a larger or more expensive grant project. Unused entitlements will expire when three years have elapsed.

### Which projects are eligible for AIP grant funding?

You can use AIP funds on most airfield capital improvements, except for terminal buildings, hangars, and non-aeronautical improvements. Professional services necessary for the planning, surveying, design, and sponsor administrative services associated with an eligible AIP project are considered eligible project costs. The capital improvement project must be justified by the existing aviation demand and satisfy environmental and procurement requirements. Annual airport operating costs, administrative salaries, maintenance services, equipment and supplies are not considered eligible for AIP grants.

#### Examples of ELIGIBLE projects:

- |                          |   |
|--------------------------|---|
| a. Runways               | g. Access roads only located on airport property            |
| b. Taxiways              | h. Removing, lowering, moving, marking, or lighting hazards |
| c. Aprons                | i. Drainage improvements                                    |
| d. Airfield Lighting     | j. Land acquisition for eligible development                |
| e. Airport Layout Plans  | k. Tree clearing in runway approaches                       |
| f. Environmental Studies | l. Automated weather observation stations                   |

#### Examples of INELIGIBLE projects:

- |  |  |
|--|--|
| a. Mowers, sweepers, trucks, office equipment        | e. Automobile parking lots                     |
| b. Terminals   | f. Industrial park infrastructure or buildings |
| c. Fuel farms  | g. Business & marketing plans                  |
| d. Buildings and maintenance or repairs to buildings | h. Training                                    |

### What are my federal obligations when accepting an AIP grant?

The sponsor assumes specific federal obligations for a twenty (20) year period, beginning on the date when the grant offer is executed. A few of these twenty year obligations, include but are not limited to, the operation and maintenance of the airport, prohibiting an exclusive right to provide aeronautical services to the public, prohibiting unjust discrimination, or allowing an activity that would interfere with airport use.



# AIRPORTOPICS

## What should an application for federal assistance contain?

The application should include, among other documents, the following:

- A proposed project description and drawing delineating location of the requested airport development, including the dimensions, construction material quantities, and a engineering cost estimate for each construction item. The estimate cost and duration of consultant services for airport master planning and/or environmental studies must be stated.
- An Airport Layout Plan delineating the dimensions of existing and future development of the entire airport, including each runway protection zone (RPZ), runway safety area (RSA), and property line. Any RPZ or RSA that does not conform to FAA dimensional standards may subject the sponsor to future compliance obligations.
- A separate engineering drawing delineating the Federal Aviation Regulation Part 77 Imaginary Surfaces associated with each runway, including the location and identification of terrain and man-made development that penetrate each imaginary surface. Penetrating objects may obligate the sponsor to have it removed at a later date.
- A airport property map, known as “Exhibit A,” delineating the metes and bounds of the existing airport property.
- An airport construction safety plan that addresses the safety of aircraft operations and construction contractors during the construction period.
- Appropriate environmental documents required for the proposed project.

## Is there anything else I should know?

- Although the AIP grant pays 90% of the total eligible project cost, the sponsor is required to pay 10% of the total cost. A state aviation agency may pay 5% of the sponsor’s share of the project cost.
- The grant project must be pursued to completion at the earliest possible date.
- There is a provision that allows amendments to the grant amount by a maximum of 15% for eligible cost overruns, subject to the available funds.
- Any development project, done prior to the execution of the grant offer, is not eligible for AIP grant reimbursement, except for prior land acquisitions, preliminary administrative and engineering service expenses incurred prior to the grant agreement.
- Payments are made by Letter of Credit, or by submittal of periodic requests for electronic deposit reimbursements.
- The sponsor must assign an official to administer the grant project until the project is completed and financially closed.

## Who should I contact?

For more information, contact the office listed below that is assigned to your geographic area.

<b>Northern California:</b> District	San Francisco Airports Office (650)876-2778
<b>Southern California:</b>	Regional Airports Division (310)725-3621
<b>Nevada:</b>	San Francisco Airports District Office (650)876-2778

<b>Arizona:</b>	Regional Airports Division Arizona Team (310)725-3632
<b>Hawaii/Pacific Islands:</b>	Honolulu Airports District Office (808)541-1232

--Ellsworth Chan, Manager, Safety and  
Standards Branch

*The goal of this publication is to report and inform our readers.  
Comments, suggestions and ideas for future articles are encouraged from our readers.  
Please forward to AirportTopics, AWP-610A, P.O. Box 92007, WPC, Los Angeles, CA 90009.*



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